IN THE HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT CHANDIGARH

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CRIMINAL REVISION NO.2082 OF 2007

Decided on : November 15, 2007

Tara Singh **...** Petitioner

VERSUS

The State of Punjab **...** Respondent

CORAM :
HON'BLE MR.JUSTICE A.N.JINDAL

Present: Mr.Vikram Chaudhri,
Advocate for the petitioner.

A.N.JINDAL, J.-

Two persons, namely Sarabjit Singh and Charanjit Kaur had died and two others were injured in an accident, as a sequel of which, the petitioner was prosecuted for offences under Sections 304-A and 279 of the Indian Penal Code (for short the IPC) by the Court of Sub Divisional Judicial Magistrate, Baba Bakala. Consequently, he was convicted for the aforesaid offences and was sentenced to undergo rigorous imprisonment for two years and to pay fine of Rs.2000/- under Section 304-A IPC and also to undergo rigorous imprisonment for six months and to pay fine of Rs.500/- under Section 279 IPC. The appeal preferred by him has been dismissed. As such,, this revision petition has been preferred.

Briefly stated, the allegations as unfolded by the prosecution are that on 15.2.1998, there was marriage of Bhupinder Singh son of Inder

Singh, who is the brother-in-law of complainant Ranjit Singh. As such, he along with Sarabjit Singh had gone to attend the same at village Batala. After attending the marriage, they were returning in Maruti Car No.PB10C-0788, which was being driven by Sarabjit Singh. At about 5.30 p.m., when they reached in the area of Baba Bakala, the petitioner while driving bus bearing Reg.No.PB11F-9704 of PRTC rashly and negligently at a high speed came from the opposite direction against the Car. Resultantly, Sarabjit Singh died on the spot, while Jaskaranjit Singh, Charanjit Kaur and Bitto suffered injuries and were shifted to the hospital. On the basis of the aforesaid statement, a case was registered against the petitioner. On the next day i.e. 16.2.1998, Charanjit Kaur also succumbed to her injuries.

The case was investigated and a report under Section 173 of the Code of Criminal Procedure (for short the Cr.P.C.) was submitted in the court of Ilaqa Magistrate.

Finding a prima facie case against the petitioner, he was charged under Sections 279, 304-A and 337 IPC, to which he opted to contest. The trial resulted in conviction. The appeal was also dismissed. Hence, the present revision petition.

The first contention raised by the counsel for the petitioner is that the charge-sheet discloses the date of accident as 30.3.1998, whereas, the occurrence had actually taken place on 15.2.1998, therefore, the charge being defective, the petitioner be extended benefit of doubt. Having given my thoughtful consideration, the wrong mention of the date in the charge-sheet appears to be a clerical one. The police report delivered to the

petitioner related to the accident dated 15.2.1996. The witnesses disclosed the date of accident as 15.2.1998. When the petitioner appeared in the witness box to depose under Section 313 Cr.P.C., he was put the date of 15.2.1998 as the date of accident. The framing of the charges is nothing, but to apprise the accused of the question in controversy to be adjudicated in the case. Any such mistake in the charge was curable. Minor mistake as of date or section of offence are hardly sufficient to declare the trial as vitiated.

The question of identity as disputed by counsel for the petitioner also does not arise in this case. The occupants of the car had identified the petitioner. It was not a night time occurrence, but the same took place at 5.30 p.m., in the evening. Thus, it cannot be said that the witnesses had no opportunity to identify the petitioner. PW1 Jaskaranjit Singh, injured in the alleged accident and PW2 Baljeet Singh, an eye witness of the occurrence could be said to be natural witnesses and their presence at the spot could not be doubted. The witnesses have duly depicted the incident and identified the petitioner. Besides, their testimonies, Ranjit Singh – complainant has also supported the prosecution version and their testimonies stand corroborated by other evidence. No plausible evidence has been led by the petitioner in order to prove his innocence. The two courts below have concurrently, after appreciation of evidence, have duly observed that the petitioner was responsible for the accident.

No procedural illegality, much less any irregularity in the

conducting of the trial has been found, which may warrant interference by this Court in the conviction of the petitioner under Section 279 and 304-A IPC .

Since the petitioner by ignoring the law of the land, drove the bus in rash and negligent manner, took the lives of two persons and injured two others within twinkling of an eye, therefore, no leniency in the quantum of sentence could also be shown to him.

Revision petition is dismissed.

(A.N.JINDAL)
JUDGE

The 15th day of November, 2007
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To be Referred to Reporter - **Yes/ No**